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Paper No. 21
rls/em

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Mica Lamp Company

Serial No. 75/163,498

John W. Hazard, Jr. of Webster, Chamberlain & Bean for Mica Lamp Company.

David H. Stine, Trademark Examining Attorney, Law Office 114 (Margaret Le, Managing Attorney).

Before Simms, Walters and Holtzman, Administrative Trademark Judges.

Opinion by Simms, Administrative Trademark Judge:

Mica Lamp Company (applicant), a California corporation, has appealed from the final refusal of the Trademark Examining Attorney to register the asserted mark MICA LAMPS for electric lamps and lamp fixtures, namely, lamp shades and lamp reflectors.¹ The Examining Attorney has refused registration on the Principal Register and on

¹ Application Serial No. 75/163,498, filed September 10, 1996, based upon allegations of use and use in commerce since January 1, 1992.

the Supplemental Register on the basis that applicant's mark is generic for applicant's goods.² Applicant and the Examining Attorney have submitted briefs but no oral hearing was requested.³

On December 6, 2000, the Board issued an opinion and decision in connection with another application which applicant filed--Serial No. 75/163,499, seeking to register the mark MICA LAMP COMPANY for the same goods. In that opinion, the Board discussed the arguments and evidence of applicant and the Examining Attorney and concluded that applicant's mark was unregistrable. For the reasons indicated in that opinion, the Board likewise affirms the refusal in this case.

Decision: The refusal of registration is affirmed.

² Pursuant to applicant's request, applicant has sought registration on the Principal Register under Section 2(f) of the Act, 15 USC §1052(f), and on the Supplemental Register. See TMEP §1212.02(c), which permits this practice.

³ In view of the circumstances set forth in applicant's letter accompanying its reply brief, filed June 2, 2000, the reply brief is accepted as timely.